



MEMORANDUM

Office of the City Attorney

060480
Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commissioners

DATE: September 25, 2006

FROM: City Attorney

CONSENT

SUBJECT: FCHR No: 200602160
EEOC Charge No: 15D200603649
Walter L. Booth, Sr. v. the City of Gainesville

Recommendation: The City Commission authorize the City Attorney, and/or Special counsel if insurance coverage is available, to represent the City in the case Styled Walter L. Booth, Sr. vs. the City of Gainesville; FCHR No. 200602160 and EEOC Charge No.: 15D200603649

On August 29, 2006, the City of Gainesville received a Notice of Charge of Discrimination from the Florida Commission on Human Relations (and sent for dual filing purposes to the U.S. Equal Employment Opportunity Commission). Mr. Booth alleges discrimination due to his race after he was suspended for five (5) days without pay.

Prepared by:

Elizabeth A. Waratuke,
Litigation Attorney or
Daniel M. Nee
Assistant Litigation Attorney

Submitted by:

Marion J. Radson
City Attorney

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Ms. Jan Stillman
 Human Resources Manager
 City of Gainesville, Florida
 Post Office Box 490
 Gainesville, FL 32602

PERSON FILING CHARGE
 Booth, Walter

THIS PERSON (check one)
 CLAIMS TO BE AGGRIEVED
 IS FILING ON BEHALF OF ANOTHER

DATE OF ALLEGED VIOLATION
 Earliest _____ Most Recent 3/29/2006

PLACE OF ALLEGED VIOLATION
 Alachua

EEOC CHARGE NUMBER
 15D200603649

FEPA CHARGE NUMBER
 200602160

NOTICE OF CHARGE OF DISCRIMINATION IN JURISDICTIONS WHERE A FEP AGENCY WILL INITIALLY PROCESS
(See attached information sheet for additional information)

YOU ARE HEREBY NOTIFIED THAT A CHARGE OF EMPLOYMENT DISCRIMINATION UNDER

- Title VII of the Civil Rights Act of 1964
- The Age Discrimination in Employment Act of 1967 (ADEA)
- The Americans with Disabilities Act

HAS BEEN RECEIVED BY

- The EEOC and sent for initial processing to _____ (FEP Agency)
- The Florida Commission on Human Relations and sent to the EEOC for dual filing purposes.
(FEP Agency)

While EEOC has jurisdiction (upon the expiration of any deferral requirement if this is a Title VII or ADA charge) to investigate this charge, EEOC may refrain from beginning an investigation and await the issuance of the Agency's final findings and orders. These final findings and orders will be given weight by EEOC in making its own determination as to whether or not reasonable cause exists to believe that the allegations made in the charge are true.

You are therefore encouraged to cooperate fully with the Agency. All facts and evidence provided by you to the Agency in the course of its proceedings will be considered by the Commission when it reviews the Agency's final findings and orders. In many instances the Commission will take no further action, thereby avoiding the necessity of an investigation by both the Agency and the Commission. This likelihood is increased by your active cooperation with the Agency.

- As a party to the charge, you may request that EEOC review the final decision and order of the above named Agency. For such a request to be honored, you must notify the Commission in writing within 15 days of your receipt of the Agency's final decision and order. If the Agency terminates its proceedings without issuing a final finding and order, you will be contacted further by the Commission. Regardless of whether the Agency or the Commission processes the charge, the Recordkeeping and Non-Retaliation provisions of Title VII and the ADEA as explained in the "EEOC Rules and Regulations" apply.

For further correspondence on this matter, please use the charge number(s) shown.

- An Equal Pay Act investigation (29 U.S.C. 206(d)) will be conducted by the Commission concurrently with the Agency's investigation of the charge.
- Enclosure: Copy of Charge

BASIS OF DISCRIMINATION

- RACE COLOR SEX RELIGION NAT. ORIGIN AGE DISABILITY RETALIATION OTHER

CIRCUMSTANCES OF ALLEGED VIOLATION

Suspension
 Terms/Conditions

DATE 8/21/2006	TYPED NAME/TITLE OF AUTHORIZED EEOC OFFICIAL Federico Costales, Director	SIGNATURE
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15D200603649

FLORIDA COMMISSION ON HUMAN RELATIONS
 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301

EMPLOYMENT COMPLAINT OF DISCRIMINATION

Date Stamp (FCHR Use Only)
FLORIDA COMMISSION ON HUMAN RELATIONS
2006 AUG 17 PM 2:09

A. PERSONAL INFORMATION	FCHR No. 200602160	CS
Name Mr. Walter Booth	E-Mail Address	Date of Birth 12/29/1954
Mailing Address 2810 Northeast 13th Street	Home Telephone Number (area code) 352-377-5951	
City, State, and Zip Code Gainesville, FL 32609	Work (if possible to call you there)	

B. BUSINESS INFORMATION (employer, labor organization, employment or government agency, etc.)		
Name City of Gainesville, Florida	Number of Employees 15+	Telephone Number 352-334-5010
Street Address (Branch/Office in Florida) Post Office Box 490	City, State and Zip Code Gainesville, FL 32602	County Alachua

C. CAUSE OF DISCRIMINATION BASED ON - Check appropriate box(es) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> DISABILITY/HANDICAP <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> AGE <input type="checkbox"/> MARITAL STATUS <input type="checkbox"/> RETALIATION	DATE MOST RECENT DISCRIMINATION TOOK PLACE (month, day, year) March 29, 2006
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D. DISCRIMINATION STATEMENT:
 I believe I have been discriminated against pursuant to Chapter 760 of the Florida Civil Rights Act, and/or Title VII of the Federal Civil Rights Act, and/or the Age Discrimination in Employment Act, and/or the Americans with Disabilities Act as applicable for the following reason(s):

I believe I was suspended and given different terms and conditions because of my race (black). I have been employed by the Respondent as a Code Enforcement Officer for ten years. The Respondent alleged that I said a house was in compliance and it was not. As a result, I was suspended for 5 days without pay. Todd Martin, white male, prepared a statement that a house was in compliance and it wasn't. However, no disciplinary action was taken against him. I believe that I was discriminated against because of my race.

I REQUEST TO BE AFFORDED FULL RELIEF TO WHICH I AM ENTITLED TO UNDER THE LAW(S).

E. VERIFICATION. Under penalties of perjury, I declare that I have read the foregoing complaint of discrimination and that the facts stated in it are true. I will advise the agency if I change my address or telephone number and I will cooperate fully with them in the processing of my complaint in accordance with their procedures.

SIGNATURE OF COMPLAINANT	DATE
<i>Walter L. Booth Sr.</i>	08/18/06